

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SIBEL EDMONDS
12 Wolfe Street
Alexandria, Virginia 22314

Plaintiff

v.

U.S. DEPARTMENT OF JUSTICE
Washington, D.C. 20535

Defendant

Civil Action No. 04-_____

* * * * *

COMPLAINT

This is an action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552, et seq. (“FOIA”), and Privacy Act of 1974, 5 U.S.C. § 552a, et seq., against defendant U.S. Department of Justice to compel the complete release of an investigative report, and other relevant records, by the Office of Inspector General that pertains directly to the plaintiff Sibel Edmonds.

JURISDICTION

1. This court has both subject matter jurisdiction and personal jurisdiction over the defendant pursuant to 5 U.S.C. §§ 552 (a)(4)(B), § 552a(g) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. §§ 552(a)(4)(B), § 552a (g) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff Sibel Edmonds (“Edmonds”) is a United States citizen, and formerly served as a contract linguist for the Federal Bureau of Investigation (“FBI”).

4. Defendant U.S. Department of Justice (“DOJ”) is an agency of the United States and is responsible for its component the Office of Inspector General (“DOJ OIG”).

FACTUAL BACKGROUND

5. Edmonds worked for the FBI from September 2001 through March 2002. She began to report suspicious activities of co-workers and other concerns regarding 9/11 developed information in December 2001.

6. On March 7, 2002, Edmonds filed a complaint with the DOJ OIG regarding how she was being treated. She revealed numerous administrative and legal violations she had seen committed by FBI employees of the Washington, D.C. Field Office.

7. On April 25, 2002, Edmonds was interviewed for nearly four hours by representatives of the DOJ OIG. During this meeting, Edmonds discussed all aspects of her case.

8. In response to Congressional requests, in May 2002, the DOJ OIG agreed to expedite its investigation.

9. The DOJ OIG initially informed Edmonds and/or her representatives that the report would be completed and issued by mid Fall 2002.

10. In October 2002, the DOJ IG told Edmonds and her representatives, as well as members of the U.S. Senate, that the final report would be out by the end of 2002.

11. Edmonds participated in a second meeting with the DOJ OIG on November 13, 2002. This meeting lasted for more than five hours. Edmonds provided the investigators with very specific details. In advance of the meeting, the DOJ OIG obtained certain relevant documents from the FBI and reviewed them with Edmonds. According to the DOJ OIG, the FBI failed to provide other documents that were requested by the DOJ OIG. This meeting was tape recorded.

12. In late November, the DOJ IG informed Edmonds and her representatives that due to one of the investigator's maternity leave another investigator would be assigned to the case and the report would be available in February 2003.

13. Edmonds' husband was interviewed by the DOJ OIG in mid-March 2003. During that meeting, the DOJ IG stated that the report would be out by the end of May 2003.

14. In May 2003, Edmonds' representative was notified that the DOJ OIG had told members of the U.S. Senate that the investigation was nearly completed, and that it would be issued at the latest by July 2003.

15. In July 2003, Edmonds was informed that the DOJ OIG report was now scheduled to be issued in Fall 2003.

16. Edmonds wrote a letter to the DOJ IG on January 5, 2004, and inquired about the status of the investigation. No response was ever received.

17. In February 2004, Edmonds was notified by Senator Charles Grassley's Office that the DOJ OIG report will be issued by March 2004.

18. On July 8, 2004, Edmonds filed a lawsuit before this Court to compel the DOJ OIG to complete its investigation and issue its final report. As it turns out, the DOJ OIG had completed the report the week prior but that fact had not been made public until Edmonds' lawsuit was filed. Copies of the document, which was classified in its entirety at the Secret level, had been sent to the DOJ, FBI and 9/11 Commission, and the Senate Judiciary Committee had been notified of the report's existence. The lawsuit was voluntarily dismissed on July 16, 2004.

19. By letter dated July 21, 2004, FBI Director Robert Mueller wrote the Senate Judiciary Committee that the DOJ OIG had determined that Edmonds' allegations of

security lapses in the FBI's translator program were at least partly responsible for her firing.

20. The DOJ has repeatedly promised to release an unclassified version of the DOJ OIG report, but to date this has not occurred.

COUNT ONE

21. Edmonds adopts and incorporates the information contained in paragraphs 5-20.

22. By letter dated July 15, 2004, Edmonds submitted her FOIA and Privacy Act request to DOJ OIG seeking:

(1) Any reports that involve accusations made by former contract linguist Sibel Edmonds including, but not limited to, problems involving the FBI translation program and an audit of the FBI's overall translation program; and

(2) Any records pertaining to, referencing or discussing Sibel Edmonds including, but not limited to, e-mails and correspondence between your office and any other federal agency (or component) or branch of government.

23. Additionally, the above request also sought a full fee waiver and expedited processing.

24. By letter dated July 29, 2004, the DOJ OIG acknowledged receipt of Edmonds' request, assigned it tracking number 04-OIG-197, and granted the request for expedited processing.

25. By letter dated August 12, 2004, the DOJ OIG denied Edmonds' request for access to records under the Privacy Act, but further noted it is attempting to expeditiously process the records under FOIA including the issuance of a declassified version of the report.

26. By letter dated August 31, 2004, Edmonds appealed the decision to deny records under the Privacy Act, as well as a DOJ OIG decision to deny a fee waiver for two specific subcategories of records.

27. To date, DOJ OIG has neither released the records in question nor issued a substantive decision other than noted above.

28. Therefore, DOJ OIG has failed to comply with the requisite statutory and regulatory periods that govern compliance under the FOIA and Privacy Act, particularly given the fact that expedited processing was granted. Therefore, DOJ OIG has wrongfully withheld the relevant records from Edmonds.

29. Edmonds has exhausted any necessary administrative remedies.

30. Edmonds has a legal right under the FOIA and Privacy Act to obtain the information she seeks, and there is no legal basis for the denial by the DOJ OIG of said right.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Sibel Edmonds prays that this Court:

(1) Order defendant to disclose the requested records in their entirety and make copies available to the plaintiff;

(2) Enforce the defendant's grant of expedited processing, and otherwise expedite this action in every way pursuant to 28 U.S.C. § 1657(a);

(3) Award plaintiff her costs and reasonable attorney's fees incurred in this action;
and

(4) Grant such other relief as this court may deem just and proper.

Date: September 22, 2004

Respectfully Submitted,

Mark S. Zaid, Esq.
KRIEGER & ZAID, PLLC
D.C. Bar #440532
1747 Pennsylvania Avenue, N.W.
Suite 300
Washington, D.C. 20006
(202) 454-2809

Attorney for Plaintiff